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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,027	10/31/2003	Kazuo Okada	SHO-0043	1099
23353 7590 11/04/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT	PAPER NUMBER
			3716	
			MAIL DATE	DELIVERY MODE
			11/04/2011 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/697,027

**Applicant(s)**

OKADA, KAZUO

**Examiner**

RYAN HSU

**Art Unit**

3716

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 20 and 22-42  
Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3716

/Ryan Hsu/  
Examiner, Art Unit 3716

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's representative disputes the rejections of claims 20 and 22-42 by raising the following arguments: i) Examiner's inherency argument is flawed; ii) the Diffusion layer lacks the claimed "openings"; iii) Muir's light panel [84] lacks the claimed "openings". Examiner respectfully disagrees with the applicant's arguments.

The applicant's first argument, relies on the applicant's interpretation of the rejection alleging as the diffusion layer being an "inherent" element. The examiner notes that the term "inherency" has only been used in the response to arguments section. To clarify the record, the rejections of the instant invention are not promoting an inherent diffusion element. Instead as is clear from the rejections of the office action mailed 8/10/11, Ohta teaches an LCD display that includes illumination elements and a diffusion sheet that is laminated between an iod panel and a back light/illumination device. Such a teaching by Ohta thus leads one to understand the state of the LCD display arts that a diffusion sheet is a known element and implementation in creating an iod panel (see paragraph 9, pg. 8). By adopting a diffusion layer therefore would be old and well known without producing any unexpected result and therefore renders the limitation obvious in view of the prior art. Therefore the applicant's arguments regarding inherency of the diffusion layer are moot.

The applicant's second argument and third arguments, asserts that to include "openings" forms an improper basis for a rejection because it is grounded in hindsight and in the alternative that Muir's light panel lacks the claimed "Openings".

The applicant claims that it uses improper hindsight and therefore not obvious for a diffusion layer to be included with the LCD display. Applicant's arguments rely on the use of the shutter to provide an opaque structure behind Muir's LCD to occlude the viewing symbols on the reels. While the applicant's arguments attempt to distinguish the disclosed zones of the shutter mechanism it fails to recognize that the monitor housing as taught in Muir teaches that openings are made in different layers in the materials and layers of the display device are associated with each of the reels to help aid in viewing the variable display device. This is done to produce the expected result of allowing a user to transparently display the symbols of the variable display device (ie: reels) within the display window of the front display device. Even in arguendo, Muir still teaches placing openings in the LCD display in a gaming device that and it is well known in the art to produce the expected result of allowing a player to see transparently the symbols of the variable display device. Therefore it would have been obvious to one of ordinary skill in the arts at the time the invention was made to look towards the teachings of Muir with respect to the monitor housing apertures or openings [64] to allow for the transparent viewing of symbols on a reel device.